

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

2.40 Hazards Found During Supervisory Spot Checks Or Training Activities

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I. Background

Spot checks are one means of quality control that can be used by a DOSH supervisor in checking the ability and performance of an inspector or consultant. As such, they do not themselves represent an inspection (or a consultation) and, indeed, they need not be limited simply to a review of the hazard assessment itself.

Training of DOSH staff often relies upon site visits outside the context of an inspection or consultation. In such cases, either the trainers or those receiving the training may also identify hazards.

Because the normal inspection or consultation processes do not apply, this policy provides guidance to ensure the correction of any serious hazards identified during the spot check or training visits. WISHA Interim Operations Memorandum #96-2-L provided guidance on spot checks, but it did not address similar situations that can occur during training site visits or other activities outside the scope of the normal duties of an inspector or consultant.

II. Scope and Application

This policy provides guidance to DOSH staff regarding the identification and correction of serious violations encountered outside normal enforcement and consultation activities. It replaces WRD 2.40, issued September 2, 2002, and will remain in effect indefinitely.

III. **Operations Protocols**

How are supervisors and others expected to handle apparent serious violations found outside the context of an inspection or consultation?

No employer may be cited as the result of a supervisory spot check of an inspector's previous inspection, or as the result of opening his or her place of business up to DOSH for training purposes. If a violation was not identified as part of the original inspection, the subsequent spot check (not in itself an inspection) will not be considered sufficient to issue a citation. In the same way, training visits will not provide the basis for a citation.

Employers shall be notified of any violations identified during a training visit, as well as those identified during a spot check.

Employers shall be told that any serious WISHA violations must be corrected and shall be subject to appropriate follow-up; if it is determined appropriate by the CSHO supervisor or person responsible for the training, a follow-up inspection may be assigned and scheduled using normal inspection procedures. Under no circumstances shall such a follow-up inspection be scheduled until after the employer has had sufficient time to abate any hazards identified during the spot check.

The above guidance applies only to spot checks and other non-inspection activities. It does not apply to follow-up inspections conducted in accordance with the DOSH Compliance Manual, even if supervisors or other inspectors conduct such inspections, and even if such inspections are used in part to evaluate the hazard recognition and abatement capabilities of the original inspector.

Approved: _____
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